

REMARKS

Applicant would like to thank the Examiner for the consideration given to the subject application as reflected in the January 25, 2005 Office Action. In that Office Action, the Examiner rejected claims 1, 3, and 5 under 35 U.S.C. 102(b) based upon U.S. Patent No. 2,811,024 to Thompson ("Thompson"). Additionally, the Examiner rejected claims 2, 4, 8, and 9 under 35 U.S.C. 103(a) based upon U.S. Patent No. 2,811,024 to Thompson, and rejected claims 6 and 7 under 35 U.S.C. 103(a) based upon U.S. Patent No. 2,811,024 to Thompson in view of U.S. Patent No. 755,654 to Guild ("Guild"). The Examiner also objected to claims 1 and 7 due to informalities and requested new corrected drawings to be submitted.

The foregoing amendment addresses the rejections and objections raised by the Examiner by the submission of new drawings and by amendments made to claims 1, 3 and 7.

In view of the following remarks, Applicant respectfully requests examination and reconsideration of the application, as amended, including reconsideration of pending claims 1-9.

Drawings

New drawings for Figures 1 through 5C have been submitted with this amendment. These drawings are now believed to be in compliance with the requirements of 37 CFR 1.121(d).

Claim Objections

Claims 1 and 7 were objected to for informalities as the Examiner noted "Claim 7 states that the hook is formed at said **first portion** of the band; while in Claim 1, section (c) states that the same hook is at a **second portion** of said band." The amendment to claim 7, set forth in the revised slate of claims, revises the manner in which these features are referred so as to alleviate any misunderstanding which may exist in the claim language.

§ 102 Rejections

Claims 1, 3, and 5 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 2,811,024.

It is submitted that the rejection of claims under 35 USC § 102(b) should be withdrawn in light of the following argument and amended claim 1.

It is alleged in the Office Action that Thompson teaches:

A ring comprising:

- (a) a band;
- (b) a hollow bezel secured to a first portion of said band and having an open top, an open bottom, an inside wall defining a lumen extending between said open top and said open bottom, a seat within said lumen, and an outside wall having a recessed section;
- (c) a stone mounted at least partially within said lumen of said bezel and in contact with said seat; and
- (d) a hook at a second portion of said band and having an opening sized to receive the recessed section of said bezel, wherein when said hook has received the recessed section of said bezel, the hook is impeded from either the top or bottom of said bezel.

The amendments now added to this claim include the limitations that the outside wall has an exterior recessed section, the hook and recessed section of said bezel clasp the two ends of the band together, and the hook is impeded from detaching from the bezel. None of these features are disclosed in the Thompson reference. Therefore, the Thompson reference fails to anticipate claim 1 of the present invention.

Additionally, the Thompson patent merely describes a finger ring with a means for mounting a platen. The present invention instead describes a piece of jewelry made of a band which detachably joins a clasp at one end portion to a bezel stone mount at the other end portion.

Further, the Thompson disclosure clearly sets forth a structure for interchangeably mounting gem stones on a ring, whereas the present invention discloses a jewelry design in which a bezel containing a jewel is affixed to the band member. Dependant claims 3 and 5 merely add additional features to claim 1, and are therefore, likewise allowable just as claim 1 is now in condition for allowance.

In summary, the rejection of claims 1, 3 and 5 under 35 USC § 102(b) as being anticipated by Thompson has been overcome and should be withdrawn.

§ 103 Rejections

Claims 2, 4, 8, and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,811,024 to Thompson. Additionally, claims 6 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,811,024 to Thompson in view of U.S. Patent No. 755,654 to Guild.

It is submitted that the rejection of these claims under 35 USC § 103(a) as being unpatentable over Thompson or over Thompson in view of Guild is unwarranted and should be withdrawn in light of the following argument and amended claims 1 and 7.

First, claims 2, 4, and 6 are non-obvious as independent claim 1 from which claims 2, 4, and 6 depend, is non-obvious. Contrary to the Examiner's assertion that Thompson teaches the claimed invention except for individual features of each dependant claim, Thompson falls short of providing any such teaching. The finger ring equipped with a mounting for a platen described in Thompson does not teach, suggest, or provide an incentive for a modification of the prior art to make the claimed Stone Mount and Clasp for Jewelry found in the present invention. One would have no reason to take a band with a hook on one end and a recessed bezel already attached on the other end and to join the ends by latching the hook around the recess

of the bezel after examining the Thompson patent. The Thompson patent merely discloses a molded ring having a structure that allows a gem-embracing platen 12 to be interchangeably attached using four corresponding nose 21 and socket 20 features.

Not only is there no suggestion for making the modifications disclosed in the present invention, but the prior art teaches away from the invention. The disclosure of the present invention teaches an easy to remove clasp where all one must do is to provide sufficient force to overcome the spring force of the wire band for easy removal, cleaning etc. (See Page 5, lines 1-4.) The prior art Thompson reference teaches a ring design such that various stones can be interchanged with a basic, already formed, ring structure. Further, the design of the present invention does not teach this ability to readily interchange ring stones, but instead teaches an bezel which is open on its top and bottom for easy cleaning of the mounted stone. The basic teaching of a readily interchangeable stone is simply not present in the disclosed present invention but instead teaches away from this invention.

Therefore, because independent claim 1 from which claims 2, 4, and 6 depend is non-obvious claims 2, 4, and 6 are likewise non-obvious as they only add additional limitations to a non-obvious base claim.

In summary, the rejection of claims 2, 4, and 6 under 35 USC § 103(a) as being unpatentable over Thompson in view of Guild should be withdrawn.

Independent claims 7 is non-obvious, as well as claims 8 and 9 which are dependant upon claim 7.

Claim 7 is non-obvious over Thompson for largely the same reasons independent claim 1 was said to be non-obvious in the above discussion as Thompson does not teach, suggest, or provide an incentive for a modification of the prior art to provide the claimed Stone Mount and Clasp for Jewelry. Claim 7 teaches a very similar type of jewelry band as claim 1, with a hook on a first end and a bezel on a second end such that the hook receives the recessed center section of the bezel to secure the ends together. The finger ring design of Thompson makes no mention or teaching of any such features but rather teaches a regular ring body which is modified with a nose and socket attachment device for various platens with stone settings.

The jewel setting feature of Guild adds little to suggest any of the features disclosed in claim 7. The motivation for combining a bur from Guild with the finger ring of Thompson is not made known. These references certainly do not teach the use


of a stone mount and clasp for jewelry even if it were appropriate to combine the teachings of these patents.

Therefore, because independent claim 7 from which claims 8 and 9 depend is non-obvious claims 8 and 9 are likewise non-obvious as they only provide additional limitations to a non-obvious base claim.

In summary, the rejection of claims 7, 8, and 9 under 35 USC § 103(a) as being unpatentable over Thompson or over Thompson in view of Guild should be withdrawn. It is submitted that the rejection of these claims under 35 USC § 103(a) as being unpatentable over Thompson is unwarranted and should be withdrawn in light of the foregoing argument and amended claims 1 and 7.

In view of the foregoing amendments and the discussion, it is respectfully submitted that all claims are in condition for allowance. A notice to that effect is most earnestly solicited.

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that the foregoing Amendment in application Serial No. 10/727,673, filed December 4, 2003, is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, postage prepaid, on April 25, 2005.

A handwritten signature in cursive script that reads "Bonnie M. Ryan".

Bonnie M. Ryan

On Behalf of Thomas J. Nikolai